

NEPA Orientation

For

Regional Fishery Management
Council Members

The National Environmental Policy Act of 1969 (NEPA)

Cross-Cutting Environmental Statutes

- The National Environmental Policy Act
- The National Historic Preservation Act
- The Endangered Species Act
- The Sustainable Fisheries Act
- The Coastal Zone Management Act
- The Marine Mammal Protection Act

Cross-Cutting Environmental Executive Orders

- Executive Order on Floodplain Management
- Executive Order on Wetland Protection
- Executive Order on Environmental Justice
- Executive Order on Coral Reef Protection
- Executive Order on Environmental Effects Abroad of Major Federal Actions

The National Environmental Policy

- It is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.



Policy Implementation

- All agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major federal actions **significantly** affecting the quality of the human environment , a detailed statement by the responsible official on the action's potential environmental impacts, adverse impacts that cannot be avoided, and alternatives to the proposed action.

Council on Environmental Quality (CEQ)



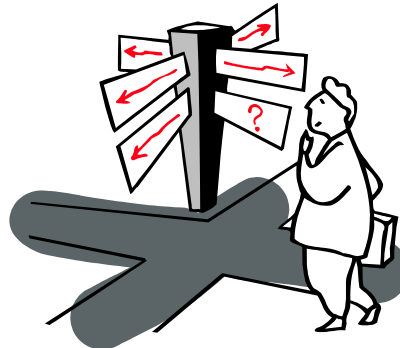
Regulations For Implementing The
Procedural Provisions of The
National Environmental Policy Act
(40 CFR Parts 1500-1508)

Two Major Sources of NEPA Implementation Requirements

- Council on Environmental Quality's Regulations For Implementing The Procedural Provisions of NEPA
- NOAA Administrative Order 216-6, Environmental Review Procedures For Implementing NEPA

Where Do I Find Information on NEPA Implementation Requirements?

<http://www.nepa.noaa.gov>



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Major Federal Actions Include Projects or Programs

Entirely or Partially Funded By

Assisted By

Conducted By

Regulated By

Approved By

Permitted By

A Federal Agency

Major Federal Actions Include

New or Revised Agency:

Rules

Regulations

Plans

Policies

Procedures

Legislative Proposals

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A Federal Agency

Policy Implementation

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NEPA's Major Federal Actions

Categorical
Exclusion

Environmental
Assessment

Environmental
Impact
Statement

Examples of FMP Major Federal Actions

Categorical
Exclusion

Minor technical
changes to an
FMP

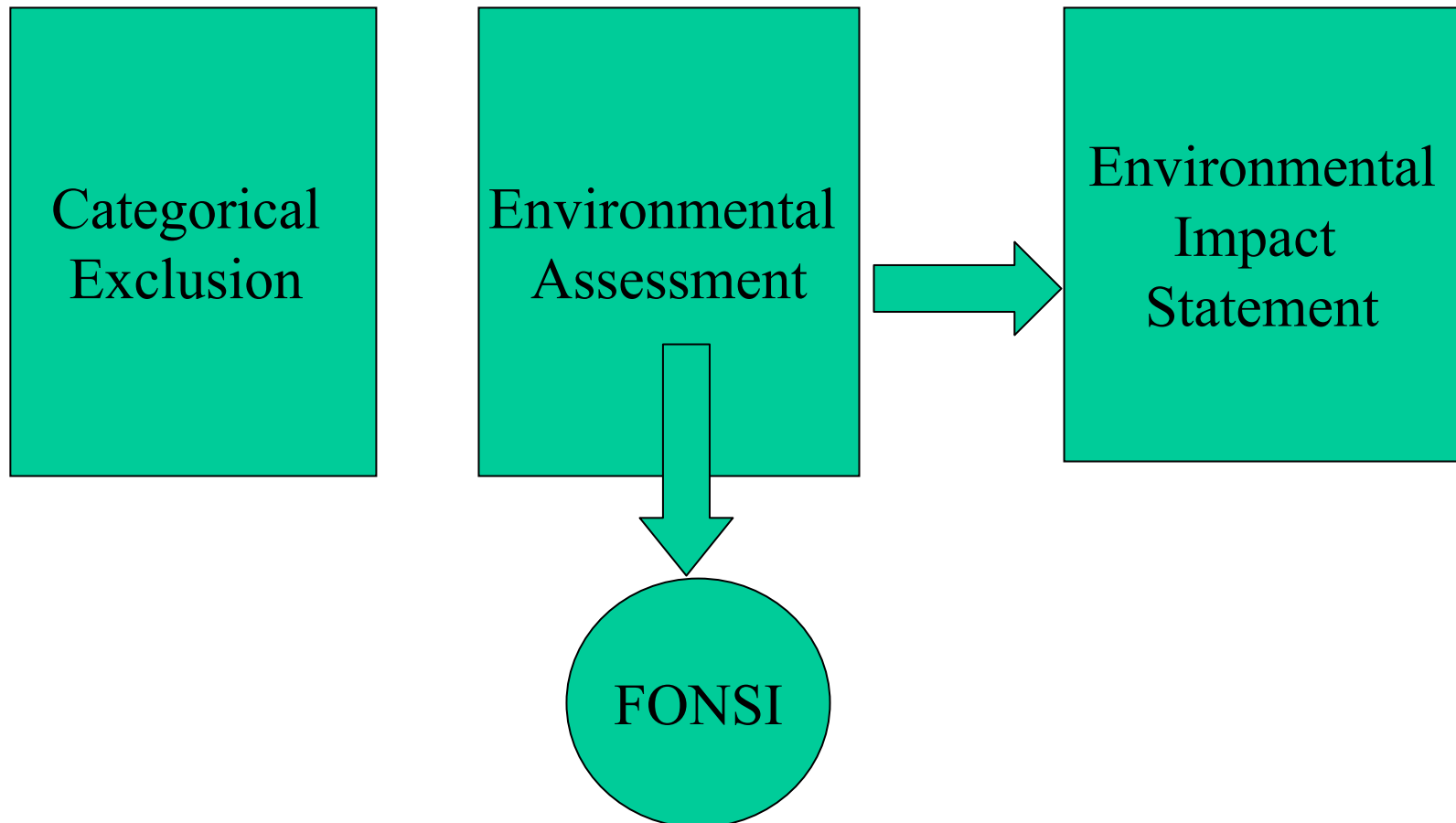
Environmental
Assessment

Some FMP
amendments

Environmental
Impact
Statement

New FMP or
Major Amendment

NEPA's Major Federal Actions



CEQ Significant Impact Criteria

- Potential impact to unique ecological, historic, or recreational area
- Projected effects on the environment are highly controversial, or highly uncertain, or involve unique or unknown risks
- Adverse impact to an endangered or threatened species or its habitat

CEQ Significant Impact Criteria

- Possible violation of federal, state, or local law
- Related actions have cumulative significant impacts
- Precedent action for future actions with significant effects
- Potential public health or safety issues

Key Concepts From CEQ's Implementation Regulations



Required Analyses Very Broad

- Must consider impacts to the human environment
- Includes natural and physical environment and the relationship of people with that environment
- Must discuss all interrelated natural, physical, economic, and social effects

Analyses Must Be Prepared Early

The analyses shall be prepared early enough so that it can serve practically as an important contribution to the decision-making process and will not be used to rationalize or justify a decision already made.

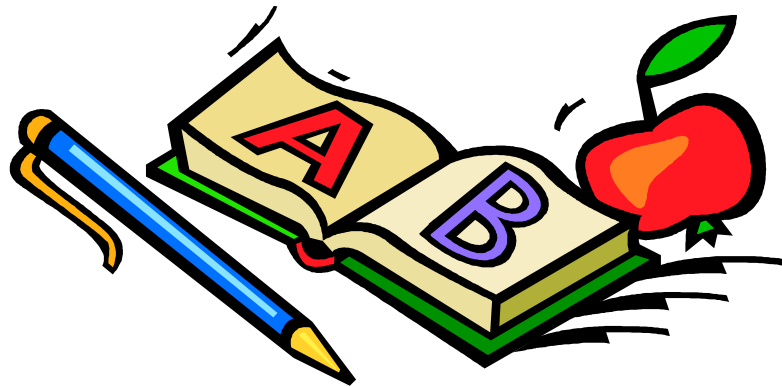
Rationale For Frontloading NEPA

- CEQ regulations require broad analyses to include environmental, economic, and social factors
- CEQ regulations require analyses to be completed as early as possible in planning and decision-making process

Other Key Concepts - Scoping



Key Concept



The analyses should be clear, concise, and support the positions taken.

Key Concept - Alternatives

The analyses must cover a **reasonable range** of alternative actions to include the no action alternative and the preferred alternative.



Key Concept - Mitigation

Mitigation
Measures Are
Used to Limit or
Control Potential
Adverse Impacts

- Reducing the scale of the entire action
- Not taking a certain part of the action
- Placing controls on the action over its operational life
- Replacing or providing substitute environmental resources

Key Concept – CEQ’s Definition of Cumulative Impact

“Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to *other past, present, and reasonably foreseeable future actions* regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

Environmental Red Flags

- ✓ Adverse Impact to Endangered Species or Critical Habitat
- ✓ Over fishing
- ✓ Adverse Impact to Marine Mammals
- ✓ Adverse Impact to National Marine Sanctuary
- ✓ Adverse Impact to Essential Fish Habitat

More Red Flags

- ✓ Extensive Bycatch
- ✓ Alleged Failure To Consider Reasonable Range of Alternatives
- ✓ Alleged Failure To Analyze Cumulative Impacts
- ✓ Environmental Controversy

Role of The Environmental Protection Agency

- Receives all federal draft and final EISs
- Notifies the public of the availability of all draft and final EISs
- When requested, reduces or extends prescribed EIS review periods
- Reviews, comments on, and rates all draft EISs
- Refers unsatisfactory EISs to CEQ

NOAA Fisheries NEPA Coordinators



NE – David Tomey

SE – David Keys

SW – Tony Morton

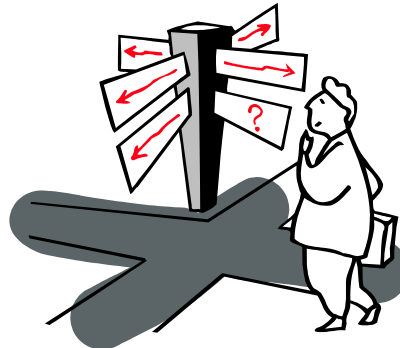
PI – Marilyn Luipold

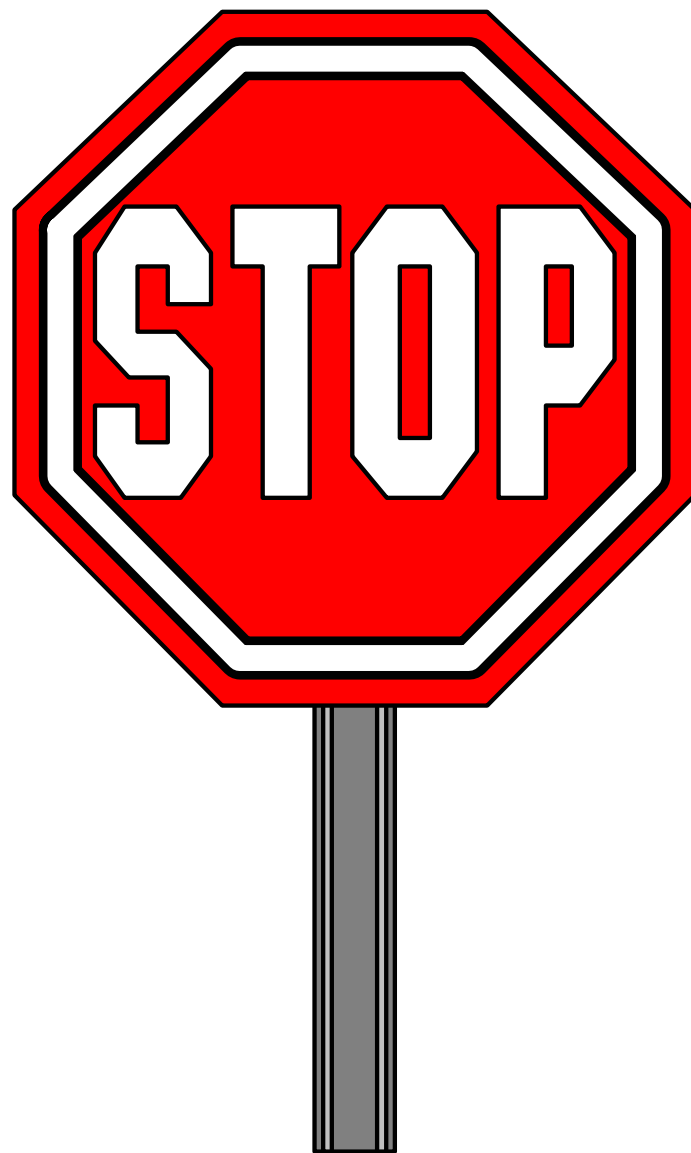
NW –

AK - Steven Davis

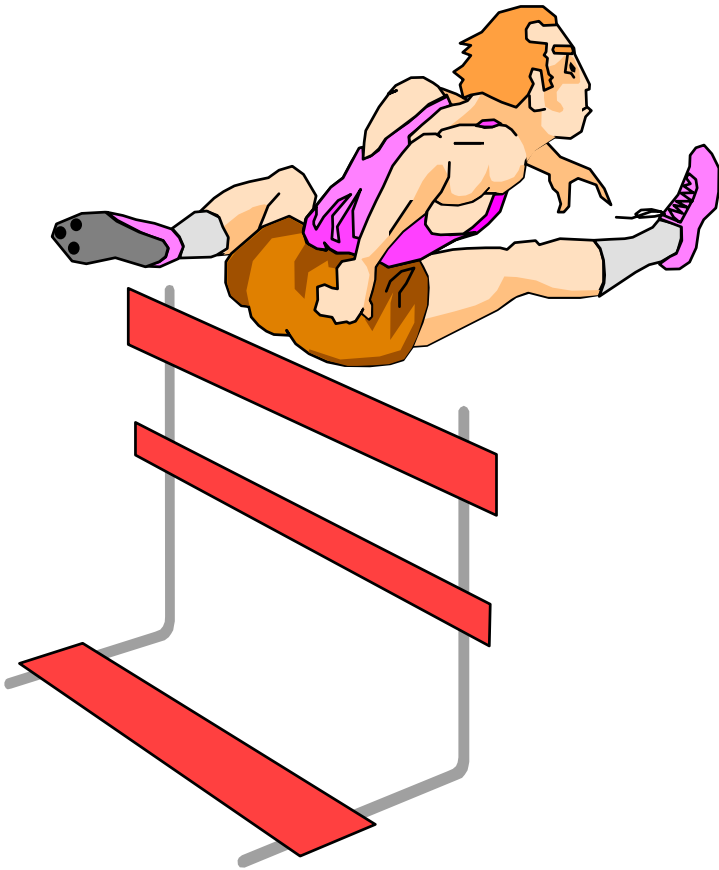
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Succeed At NEPA



- Document That Exclusion
- Prepare That Environmental Assessment Early
- Prepare That Environmental Impact Statement Early

QUESTIONS